THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 14th November, 2006

W.P.No.23239 of 1995

Between:

G. Tirupathi Rao … Petitioner

and

Regional Manager,
United India Insurance Company
Ltd., Visakhapatnam Regional Office,
Visakhapatnam District and others … Respondents

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ORAL ORDER:

Heard both sides.

It appears that the petitioner was appointed as part-time Sweeper in the respondent-United India Insurance Company Limited, Branch Office at Palasa, Srikakulam District with effect from 1-9-1989. In the year 1992, the respondents have undertaken recruitment of full time sub-staff by transfer from among the regular part-time sweepers, by envisaging certain guidelines. As per the said guidelines, he is qualified and eligible for recruitment in the cadre of sub-staff. Therefore, he made an application dated 18-3-1992 and the same was processed and forwarded to the Regional Office, Visakhapatnam through Divisional Office, Srikakulam. But, the case of the petitioner was not considered and no action has been taken. Further, according to the petitioner, there were existing vacancies in the Branch Office and he was advised by the officials to apply for the same. Accordingly, he applied for the said post again on 2-3-1995 and the Union Secretary of the Branch also addressed a letter to the General Secretary to pursue the matter. By the time the Writ Petition was filed, he was 39 years old and not eligible for any employment elsewhere. Therefore, he seeks interference of this Court.

A detailed counter affidavit has been filed by the respondent-company stating that the petitioner was appointed as part-time Sweeper at Branch Office, Palasa during January,1987 and his

services were regularized in the said cadre, on permanent basis, from September,1989. However, his case could not be considered for being absorbed in the said cadre, since he was overaged. Further, he also belongs to general category. Though the petitioner made an application for consideration of his case to the cadre of sub-staff, since he is not eligible, it was not considered.

In view of the above, the only question that requires to be considered is as to whether the petitioner has become over aged for being considered for the cadre of sub-staff ?

I am of the opinion that when an inservice candidate is to be considered for absorption in the higher post, if he is eligible, the criterion of age should not come in his way. After deducting the service rendered by the petitioner, if he is within age limit, his case should have been considered by the respondents. In view of the above, the respondents are directed to consider the case of the petitioner either in the existing vacancies or in any future vacancies, without reference to the age criterion for being absorbed in the cadre of sub-staff.

With the above direction, the Writ Petition is disposed of. No order as to costs.

14-11-2006

prk